

### REMARKS

Claims 1-34 are pending in the present application. Claims 1, 5-6, 8, 12-13, 15, 19-20, 22, 24-25, 27-28, 30, 32-33 have been amended. No new matter has been added to the amended claims.

Applicant respectfully request reconsideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action dated June 02, 2006.

### REJECTION OF CLAIMS 1-34

In the Office Action, claims 1-34 are rejected under 35 U.S.C. § 112, first paragraph, (hereinafter, "Section 112, Par. 1") as failing to comply with the written description requirement with respect to "an only Sender field" and "an only Recipient field".

Claims 1-34 are rejected under 35 U.S.C. § 103(a) (hereinafter, "Section 103(a)") as being unpatentable over Friedland et al. (U.S. Pat. No. 6,449,601, hereinafter, "Friedland") in view of Kivimaki et al. (WO 00/22906, hereinafter, "Kivimaki") and Witek et al. (U.S. Pat. No. 6,253,188, hereinafter, "Witek")

Applicant respectfully traverses all rejections and requests reconsideration for all of the pending claims in light of the amendments to the claims.

Independent claims 1, 8, 15, 22, 27 and 30 have been amended to clarify the scope of the claimed embodiments of the present invention. Claim 1, for example, has been amended to recite "the unique identification number of the product or service" (hereinafter "UIN") is "included in *only a 'Sender' field* of each short message protocol message to the buyer". In

addition, in receiving higher bid short message protocol messages from the buyer concerning buyer's trading instructions, the product or service is determined by "extracting and recognizing the UIN of the product or service from *only a 'Recipient' field* of received higher bid short message protocol messages from the buyer", "identifying the buyer by extracting and recognizing the unique identifier of the SMS wireless device from *only the 'Sender' field* of each message from the buyer...". Claim 8 is amended to recite "placing said concatenated number in *only a 'Sender' field* of a SMS message".

Claim 15 and system claims 22, 27 and 30, have been similarly amended. Support for the amendments are found in the specification, for example, in paragraphs [0135]-[0139] where "the Sender field" and "the Recipient field" are discussed. Further, paragraph [0020] describes the simplification of a bidding process, in which the user "conveniently and quickly" sends a command to the server by "simply hitting the 'Reply' option". As such the UIN is found in the "Sender" field of messages to the buyer and in the "Recipient" field of messages from the buyer. In wireless devices of two-way SMS capability there is the Sender field and the Recipient field. Therefore, the claims have been amended to reflect this structure where there is only the Sender field and the Recipient field. Accordingly, Applicant believes there is sufficient written description defining the meaning of "only a 'Sender' field" and "only a 'Recipient' field". It is respectfully requested that the rejection against the claims under Section 112, Par. 1 be withdrawn.

Applicant respectfully submits that the amended claims are novel and nonobvious over Friedland in view of Kivimaki and further in view of Witek. The cited references do not teach all the elements of amended claims 1, 8, 15, 22, 27 and 30.

The discussion below with regard to independent method claims 1, 8 and 15 can be applied to the system claims of 22, 27 and 30. Independent claims 1 and 15 have been amended to recite that the in sending short message protocol messages to a buyer's SMS wireless device, "the unique identification number of the product or service" (hereinafter "UIN") is "included in *only a 'Sender' field* of each short message protocol message to the buyer". In addition, in receiving short message protocol messages from the buyer concerning buyer's trading instructions, the product or service is determined by "extracting and recognizing the UIN of the product or service from *only a 'Recipient' field* of received short message protocol messages from the buyer", "identifying the buyer by extracting and recognizing the unique identifier of the SMS wireless device from *only the 'Sender' field* of each message from the buyer".

Friedland does not recite the required limitations of amended claims 1 and 15. In particular, Friedland does not provide for "sending short message protocol messages" to the "buyer's SMS wireless device" with the UIN of the product or service in "only a 'Sender' field of each short message protocol message to the buyer". Friedland as cited, only describes using forms on monitor screens as shown in Figs. 5-9 in which users enter data, and messages in which a number of fields are displayed in sent messages to remote bidders. However, there is no teaching or suggestion that an SMS message is sent wherein the UIN is in "only a 'Sender' field" of the SMS message and wherein the received message is a SMS message wherein the UIN is in "only a 'Recipient' field" of the SMS message received from the buyer and further that the buyer is identified by extracting and recognizing the "unique identifier of the SMS wireless device from only the 'Sender' field of each SMS message from the buyer". These particular limitations of the UIN in only a 'Sender' and only a 'Recipient' field of the

SMS message are nowhere found in Friedland. Neither is there any teaching that the buyer's SMS wireless device unique identifier is in "only a 'Sender' field" of the message from the buyer.

Neither does Kivimaki provide for the deficiencies found in Friedland. Although Kivimaki describes using SMS of a mobile communications system between the user and the auction system, Kivimaki again does not provide for the claimed elements of "the unique identification number of the product or service" (hereinafter "UIN") is "included in *only a 'Sender' field* of each short message protocol message to the buyer"; "extracting and recognizing the UIN of the product or service from *only a 'Recipient' field* of received short message protocol messages from the buyer", "identifying the buyer by extracting and recognizing the unique identifier of the SMS wireless device from *only the 'Sender' field* of each message form the buyer". Kivimaki rather only describes a short message sent with a number of fields separated by separating characters (pg. 10) and does not teach the specific elements recited in claims 1 and 15, that the UIN of the product or service is included in only a 'Sender' field of the message to the buyer and that the product or service is determined by extracting the UIN of the product or service from only a 'Recipient' field in the message from the buyer; and neither does Kivimaki teach that the SMS wireless device unique identifier of the buyer would be in only the 'Sender' field in the same message from the buyer.

Witek also provides no further teaching of all the required elements of amended claims 1 and 15 as recited and discussed above. Accordingly, Applicant respectfully requests withdrawal of the rejection against claims 1 and 15 under Section 103(a).

With regard to amended claim 8, the claim recites "concatenating an access identification number with a numeric address pertaining to and recognized by the system for

registration purposes, placing said concatenated number in *only a `Sender` field* of a SMS message, and sending the password in a message body of the SMS message to said buyer or seller...”. As such, Friedland, in view of Kivimaki and Witek, do not anywhere disclose such required elements. Amended claim 8 is believed to be allowable over the cited references.

The system claims 22, 27 and 30 as mentioned above, include similarly amended limitations of claims 1, 8 and 15 and are therefore argued to be allowable for the same reasons as amended claims 1, 8 and 15.

For at least these reasons, it is respectfully submitted that amended claims 1, 8, 15, 22, 27 and 30 and their dependent claims are novel and nonobvious over Friedland in combination with Kivimaki and Witek. The dependent claims are novel and nonobvious also for the additional elements they each recite. Accordingly, Applicant respectfully requests withdrawal of the rejection of amended claims 1, 8, 15, 22, 27 and 30, and their dependent claims under Section 103(a).

#### **Conditional Request For Constructive Assistance**

Applicant has made a diligent effort to amend the claims of this application so that they define novel and unobvious structure. If, for any reason, the Examiner believes that the claims of this application are not yet in full condition for allowance, applicant respectfully requests his constructive assistance and suggestions pursuant to the spirit of MPEP § 2173.02 and § 707.07(j). This will enable the undersigned to place this application in fully allowable condition as soon as possible and without the need for further proceedings. The Examiner is authorized to make any needed minor corrections or changes.

## II. CONCLUSION

The above-discussed remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

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